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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA,
 SAN FRANCISCO DIVISION

GUARDANT HEALTH, INC.,

Plaintiff and Counterclaim-
 Defendant,

vs.

NATERA, INC.,

Defendant and Counterclaim-
 Plaintiff.

Case No. 3:21-cv-04062-EMC

**JOINT STIPULATION RE OBJECTIONS
 TO EXHIBITS PURSUANT TO DKT. 708**

Final Pretrial Conference: October 15, 2024
 Time: 9:00 a.m.
 Place: Courtroom 5, 17th Flr

1 The Parties to the above-entitled action jointly submit this Stipulation regarding Objections
2 to Exhibits pursuant to this Court’s Order, Dkt. 708 (October 9, 2024).

3 Pursuant to Dkt. 708, Guardant disclosed the following “must use” exhibits: 1, 2, 4, 8, 9,
4 12, 21, 22, 38, 40, 41, 51, 53, 54, 55, 56, 63, 64, 67, 69, 76, 87, 90, 91, 92, 95, 96, 97, 105, 106,
5 108, 109, 110, 111, 112, 117, 119, 120, 123, 124, 126, 127, 128, 129, 130, 131, 132, 133, 138,
6 140, 145, 147, 148, 149, 150, 151, 152, 153, 156, 160, 167, 182, 194, 196, 206, 210, 219, 220,
7 225, 226, 227, 228, 229, 245, 261, 275, 286, 296, 298, 314, 315, 326, 334, 359, 360, 365, 368,
8 369, 370, 376, 378, 384, 385, 404, 405, 406, 415, 416, 418, 419, 421, 422, 423, 427, 428, 433,
9 522, 524, 533, 546, 547, 548, 549, 595, 674, 680, 749, 775, 876, 877, 939, 981, 1044, 1048, 1064,
10 and 1453.

11 Pursuant to Dkt. 708, Natera disclosed the following “must use” exhibits: 1, 2, 3, 4, 98,
12 506, 507, 510, 511, 520, 521, 522, 523, 525, 537, 538, 542, 544, 545, 546, 549, 550, 552, 554,
13 555, 556, 557, 558, 559, 560, 565, 569, 570, 572, 573, 576, 609, 618, 619, 620, 621, 637, 641,
14 650, 672, 690, 693, 712, 713, 718, 719, 722, 723, 725, 728, 729, 731, 735, 762, 784, 837, 839,
15 841, 870, 912, 918, 919, 939, 942, 943, 984, 1103, 1111, 1114, 1115, 1178, 1186, 1295, 1316,
16 1325, 1333, 1354, 1362, 1376, 1466, 1478, 1493, 1494, 1507, 1513, 1514, 1515, 1516, 1517, 1518,
17 1524, 1525, 1526, 1527, 1529, 1530, 1532, 1554, 1569, 1571, 1575, 1577, 1578, 1591, 1592, 1603,
18 1613, 1614, 1615, 1624, 1633, 1636, 1638, 1659, 1660, 1661, 1662, 1663, 1676, and 1786.

19 **I. NATERA’S POSITION ON GUARDANT’S “MUST USE” EXHIBITS**

20 Pursuant to the Court’s Order at Dkt. 708, Natera withdraws its objections to a number of
21 the exhibits Guardant includes on its “must use” list. For the avoidance of doubt, by dropping
22 objections to a particular exhibit, Natera does not stipulate to its admissibility. Foundation and
23 authenticity, etc., must still be demonstrated by the sponsoring witness, and Natera reserves the
24 right to object accordingly.

25 Additionally, Natera may raise objections to exhibits not objected hereto depending on how
26 Guardant seeks to introduce the document, or for what purpose the document is offered, at trial,
27 including on the basis of hearsay. To the extent Guardant seeks to introduce incomplete or excerpts
28 of exhibits, Natera objects to such introduction under FRE 106 and 403.

Natera maintains the following specific objections to exhibits on Guardant's "must use" list:

| TX. No. | Beg. Bates | Doc. Description | Natera's Maintained Specific Objections |
|---------|---------------|---|---|
| TX-0040 | NATERA_453966 | Email re Signature Tissue Failure Rate Dashboard | R, 403, Dkt. 611 at 11. |
| TX-0041 | NATERA_493401 | Oncology Commercial Milestones | R, 403, Dkt. 611 at 11; re: failure rate only. |
| TX-0051 | NATERA_320165 | Email re Aarhaus FNs (Follow Up) | R, 403, Dkt. 509 (MIL 3); post-Reinert 2019 publication. |
| TX-0055 | | Excerpts of Video Presentation: Evidence Review: Tumor-informed vs Tumor-naïve MRD | 106 (incomplete video) |
| TX-0056 | | Transcription of Excerpts of Video Presentation: Evidence Review: Tumor-informed vs Tumor-naïve MRD | H, 403, A, 106, FN (Shearman & Sterling transcript) |
| TX-0063 | NATERA_351890 | Natera Slide Deck - Q1 2021 Earnings Call - Investor Presentation | R, 403, 105 (not advertising), Dkt. 611 at 11-12 (deferred). |
| TX-0087 | NATERA_007441 | ctDNA Sequencing Platform Evaluation - CRC Presurgery Plasma Samples Stage 1-IV | R, 403, Dkt. 509 (MIL 3), 105, Dkt. 611 at 13-14 |
| TX-0090 | GHI00014465 | Email re MolDx response to M. McCoy re Guardant Reveal Technical Assessment Submission | R, 403, Dkt. 509 (MIL 2), 105 (not for damages or alleged delay) |
| TX-0097 | NATERA_342153 | Email re SOLAR Assistance | R, 403, Dkt. 509 (MIL 2), 105 (not for damages or alleged delay) |
| TX-0112 | NATERA_001882 | Email re [INFORM] Dear Dr. Letter sent today (tumor-informed vs Tumor-naïve) | R, 403, Dkt. 326 at 25:17-26:4 (quantitation not alleged to be false) |
| TX-0127 | NATERA_302505 | Letter re: Natera's Misrepresentations Concerning the Guardant Reveal Liquid Biopsy Test | R, 403, O, H (Norton Rose letter), LC, 602 |
| TX-0132 | | Joint Statement Regarding Plaintiff Guardant Health, Inc.'s Motion for Preliminary Injunction | Dkt 509 (MIL 4), R, 403, BRPL |
| TX-0145 | GHI00053116 | Guardant - Specific Responses to the questions posed in the 6/28 email | Dkt. 509 (MIL 2), 403, 401, H |
| TX-0156 | NATERA_452357 | Email re: Draft bullet for MolDx - WIP | 105 in view of Dkt. 509 (MIL 2). |
| TX-0160 | NATERA_492634 | Oncology Commercial Milestones | R, 403, Dkt. 611 at 11; re failure rate only. |
| TX-0167 | NATERA_182020 | Exhibit A - Study Information | R, 403, Dkt. 509 (MIL 3); Dkt. 611 at 12-13 (deferred) |

| | | | | |
|----|---------|---------------|---|---|
| 1 | TX-0182 | NATERA_080814 | Poster: Personalized Circulating Tumor DNA Analysis to Monitor Colorectal Cancer | R, 403, Dkt. 509 (MIL 3); Dkt. 611 at 12-13 (deferred); 105 |
| 2 | TX-0194 | NATERA_320662 | Email re Accepted: Aarhus CRC External Meeting (Attachment: Signatera pipeline updates; revised Signatera reports) | R, 403, Dkt. 509 (MIL 3); Dkt. 611 at 12-13 (deferred); post-Reinert 2019 publication |
| 3 | TX-0196 | NATERA_288812 | Email re Longitudinal Analysis inclusion criteria | R, 403, Dkt. 509 (MIL 3); Dkt. 611 at 12-13 (deferred) |
| 4 | TX-0219 | GHI00040603 | Reveal Excel Worksheet | 106 (missing parent email) |
| 5 | TX-0225 | NATERA_004321 | Attachment to Ex. 1397 - Letter to Bien-Willner | 105 in view of Dkt. 509 (MIL 2) (not for damages or alleged delay). |
| 6 | TX-0226 | NATERA_002562 | Email re We have a meeting with MolDx tomorrow to discuss comperable/equivalent | 105 in view of Dkt. 509 (MIL 2) (not for damages or alleged delay). |
| 7 | TX-0227 | NATERA_450905 | Email re Medicare reveal plan | 105 in view of Dkt. 509 (MIL 2) (not for damages or alleged delay). |
| 8 | TX-0229 | | MOL2-16-3654 - Comparing single targent and multitarget approaches for postoperative circulating tumour data detection in Stage II-III colorectal cancer patients | 105 in view of Dkt. 509 (MIL 3) (Reinert study not unreliable/fraudulent). |
| 9 | TX-0245 | GHI00053159 | Sample Failure Rate_2022-04-20 | R, H, 403, Dkt. 611 at 11 (deferred) |
| 10 | TX-0261 | NATERA_103353 | Email re: Please send us the slides you plan to present at todays meeting and attachment (Natera_Aarhus CRC: Next Steps) | R, H, 403, Dkt. 611 at 13 (deferred), Dkt. 509 (MIL 3) (Reinert study not unreliable/fraudulent). |
| 11 | TX-0286 | NATERA_007454 | Emails re: Tumor-informed vs Tumor uninformed | A, FN, 403, 602, 611a, Dkt. 509 (MIL 4), M |
| 12 | TX-0296 | NATERA_355998 | Email re [INFORM] Dear Dr. Letter sent today (tumor-informed vs Tumor-naïve) and attachment | 105, 403 |
| 13 | TX-0298 | | Article: Comparing single-target and multitarget approaches for postoperative circulating tumour DNA detection in stage II-III colorectal cancer patients (Henriksen et al) | 105 in view of Dkt. 509 (MIL 3) (Reinert study not unreliable/fraudulent). |
| 14 | TX-0314 | | Appendix D to Expert Report of Brian Sowers (Screenshots and Questionnaire) | H, 105, 403, Expert |
| 15 | TX-0315 | | Appendix G to Expert Report of Brian Sowers (Survey data listing) | H, 105, 403, Expert |
| 16 | TX-0326 | NATERA_325415 | Henriksen Paper | 105 in view of Dkt. 509 (MIL 3) (Reinert study not |

| | | | |
|---------|---------------|---|---|
| | | | unreliable/fraudulent); post-Reinert 2019 publication |
| TX-0359 | GHI00047594 | Email: Guardant Reveal MolDx Response Supplement | H, 401, 403, Dkt. 509 (MIL 2 - not for damages or alleged delay) |
| TX-0378 | NRG-000553 | IDE Supplement To G190082 | H |
| TX-0384 | NATERA_019629 | Email re: follow-up on today's meeting | R, 403, Dkt. 509 (MIL 3) |
| TX-0385 | NATERA_020254 | Personalized circulating tumor DNA analysis to monitor colorectal cancer | R, 403, Dkt. 509 (MIL 3); Dkt. 611 at 12-13 (same as TX-182, deferred); 105 |
| TX-0405 | NRG-000704 | Email RE: FW: GI005 Presentation Slides | H |
| TX-0406 | NRG-000925 | Email RE: RE: Draft slides for GI005 | H |
| TX-0415 | | ASCO: ctDNA in CRC: More Questions than Answers | R, H, 403, Expert |
| TX-0416 | | Rutgers: Questions Regarding Conflict of Interest | H, R, 403 |
| TX-0422 | GHI00063553 | Transcript of Audio-Recorded Scientific Talk - Exhibit No. 055 | H, FN, A, 403, 106 |
| TX-0423 | GHI00063571 | Natera Inc at Morgan Stanley 18th Annual Global Healthcare Conference (Virtual) - Final | H, A, 106, FN, 106 |
| TX-0522 | MGH000017119 | Email from Seventer re: LUNAR analysis and data | H |
| TX-0524 | MGH000017120 | LUNAR analysis PowerPoint | H |
| TX-0533 | GHI00001239 | Email from Seventer re: LUNAR analysis and data | H |
| TX-0595 | GHI00004332 | Genentech CRC Bake off Batch Summary | R, H, 403, Dkt. 509 (MIL 3). Dkt. 611 at 13 (not results from commercial assay) |
| TX-1044 | GHI00039484 | Email from Price re Natera's Commitment to MRD Testing with attachment "Natera Email Response.docx" | H, 105 |
| TX-1048 | GHI00040998 | Email from Price re Parikh Q from field | H, I, 403 |
| TX-1064 | MGH000001652 | Email from Kanter re LUNAR cohort patients to review | H |

II. GUARDANT'S POSITION ON NATERA'S "MUST USE" EXHIBITS

Pursuant to the Court's Order (Dkt. 708) to reach a stipulation to reduce the number of objections the Court must rule on, Guardant agrees to withdraw objections (or has not objected) to the following exhibits listed on Natera's "will use" list (subject to witness-specific foundation issues and Rule 105 requests as appropriate), and would further propose that the Parties mutually stipulate that unobjectionable "will use" exhibits may be used at trial (subject to the same

1 restrictions on foundation and 105):

2 1, 2, 3, 4, 98, 506, 507, 510, 511, 520, 521, 522, 546, 549, 550, 552, 555, 557, 558, 559,
3 560, 565, 576, 619, 637, 650, 672, 690, 718, 719, 725, 728, 731, 735, 762, 784, 870, 918, 919,
4 939, 984, 1111, 1115, 1333, 1466, 1494, 1478, 1529, 1530, 1532, 1569, 1603, 1624, 1633.

5 Guardant's objections to the remaining 71 exhibits from Natera's "will use" list are set
6 forth in the Parties' Amended Joint Trial Exhibit List (Dkt. 668).

1 Stipulated and submitted,

2 Dated: October 14, 2024

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13 Dated: October 14, 2024

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21 NATERA, INC.

FILER'S ATTESTATION

Pursuant to Civil LR 5.1(i)(3), the undersigned hereby attests that concurrence in the filing of this **JOINT STIPULATION RE OBJECTIONS TO EXHIBITS PURSUANT TO DKT. 708** has been obtained from counsel for Guardant Health, Inc. and is electronically signed with the express permission of Natera's counsel.

Date: October 14, 2024

By: /s/Andrew J. Bramhall
Andrew J. Bramhall

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